

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA v. ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI	AE 668C RULING Defense Motion for Change of Venue 7 January 2026
---	---

1. **Procedural History.** On 27 October 2025 the Defense filed AE 668, a motion requesting that the Accused “be tried at any other place in the world outside of Naval Station Guantanamo Bay.” The Government responded on 10 November 2025 opposing the requested relief. AE 668A. The Defense replied on 17 November 2025. AE 668B.

2. **Burden of Proof.** As the moving party, the Defense must demonstrate by a preponderance of the evidence that the requested relief is warranted. Rule for Military Commissions (R.M.C.) 905(c)(1)–(2).

3. **Oral Argument.** The Defense requested oral argument; the Government contends it is unnecessary. The Commission finds oral argument is unnecessary. R.M.C. 905(h).

4. **Conclusions of Law.**

a. This Commission was convened to “proceed at Guantanamo Bay, Cuba, unless otherwise directed.” *See* MCCO 11-02; MCCO 25-01.

b. Federal law¹ prohibits the expenditure of funds to physically transfer detainees from U.S. Naval Station Guantanamo Bay, Cuba (NSGB) to the United States, to create new

¹ *See* Sections 1033-35 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1953), as most recently amended by sections 1041-43 of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (Public Law 118-159).

facilities, or to modify existing facilities for related purposes.

c. This Commission lacks the authority to change venue.

5. **Ruling.** The defense motion set forth in AE 668 is **DENIED**.

So **ORDERED** this 7th day of January 2026.

//s//

MATTHEW S. FITZGERALD
COL, USA
Military Judge